

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

IN RE APPLICATION OF : Jaap BAKKER et al.  
SERIAL NO. : 10/561,759  
FILED : July 28, 2006  
TITLE : GUIDE, ASSEMBLED GUIDE AND  
DEVICE FOR CONDITIONING PRODUCTS  
DISPLACEABLE ALONG A GUIDE TRACK  
Group/A.U. : 3651  
Examiner : Kavel Singh  
Conf. No. : 1638  
Docket No. : P06937US0

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

RESPONSE TO NOTIFICATION OF NON-COMPLIANT  
APPEAL BRIEF 37 CFR 41.37

Dear Sir:

This section of an appeal brief is in response to the Notification of Non-Compliant Appeal Brief (37 CFR 41.37) dated January 4, 2010 in response to the Appeal Brief which was submitted on December 15, 2009 in response to the Final Office Action dated July 15, 2009.

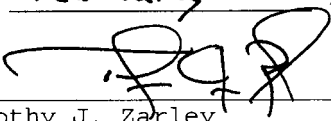
V. Summary of Claimed Subject Matter:

Claim 1 relates to a guide for supporting a displaceable object having a plastic guide profile 30 having a guide surface, over which displaceable objects can slide either

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Timothy J. Zarley

directly or via a product carrier. See Page 6, lines 1-5, see also Fig. 5. The guide has a support structure 32 supporting the guide profile 30. See Page 6, lines 1-5, see also Fig. 5. The guide profile 30 is engaged at least at two spaced-apart positions by the support structure 32. See Page 6, lines 1-5, see also Fig. 5. At least one engaging position of which consists of a free support of guide profile 30 on support structure 32 such that the freely supporting side of guide profile 30 is displaceable relative to the support structure 32. See Page 1, lines 28-30; Page 6, lines 2-6; see also Fig. 5.

Claim 2 depends on claim 1 and adds the limitation that the guide profile 30 is coupled rigidly on one side to support structure 32. *Id.*; see also Page 2, lines 3-6. Claim 3 adds the limitation that the guide profile 30 is provided with a three-dimensional contact surface 33 at the position where it supports freely on support structure 32. *Id.*; see also Page 2, lines 12-15. Claim 4 adds the limitation that support structure 32 is provided with a three-dimensional contact surface 34 at the position where guide profile 30 supports freely thereon. *Id.*

Claim 5 depends on claim 1 and adds the limitation that the free support of guide profile 30 on support structure 32 is formed by a recess 33 in guide profile 30 in which an engaging part 34 of support structure 32 engages close-fittingly and displaceably. *Id.*; see also Page 2, lines 19-21. Claim 6 depends on claim 5 and further limits claim 5, requiring that a free space is enclosed between engaging part 34 of support structure 32 and a part of the recess 33 on the side remote from the engaging part 34, in which recess 33 the engaging part 34 is axially displaceable. *Id.*; see also Page

2, lines 21-24. Claim 7 depends on claim 6 and further limits claim 6, requiring that recess 33 with the engaging part 34 displaceable therein is formed such that the direction of displacement of engaging part 34 relative to recess 33 is at least substantially parallel to the guide surface. *Id.*; see also Page 2, line 32 - Page 3, line 1.

Claim 9 depends on claim 1 and adds the limitation to claim 1 that guide profile 30 is manufactured from a high-molecular weight polyethylene, while claim 10 requires guide profile 30 to be metal. *Id.*; see also Page 3, lines 11-15. Claim 11 adds to claim 5 the additional limitation that engaging part 34 of support structure 32 and recess 33 in guide profile 30 are at least substantially cylindrical. *Id.*; see also Page 3, lines 17-18.

Claim 12 depends on claim 1 and adds the limitation that guide profile 30 is provided on opposite sides with engaging positions. *Id.*, see also Page 3, lines 22-23. Claim 13 depends on claim 1 and adds the limitation that a plurality of guide profiles 30 are mutually connected with a gap to each other. *Id.*; see also Page 3, lines 25-27. Claim 15 further depends on claim 13 and limits claim 13, requiring that the guide profiles 30 are engaged by a single support structure 32, while claim 16 limits claim 13 by requiring that guide profiles form a helical guide track 22. *Id.*; see also Page 3, line 32 - Page 4, line 2; Fig. 4.

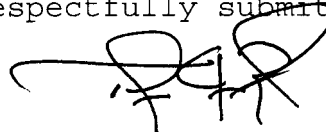
Claim 17 depends from claim 13, and further requires a displacing means for displacing products along the plurality of guide profiles 30, a housing 23 at least partially enclosing the plurality of guide profiles 30 and the displacing means, and conditioning means for regulating the

atmosphere in housing 23. *Id.*; see also Page 4, lines 7-11; Fig. 4.

Claim 18 depends from claim 17 and adds to claim 17 the limitation that the conditioning means comprise temperature-regulating means. *Id.*; see also Page 4, lines 11-12. Claim 19 adds to claim 17 the limitation that the assembled plurality of guide profiles 30 comprises a vertically oriented, helical conveyor track 22 with a housing 23 placed therearound. *Id.*; see also Page 4, lines 12-14. Claim 20 depends from claim 19, and further requires that a rotatable core be placed in the helical conveyor track 22. *Id.*; see also Page 4, lines 14-15. Claim 21 depends from claim 17 and adds to claim 17 the limitation that the displacing means comprise a driven endless conveyor track. *Id.*; see also Page 4, lines 15-18.

No other fees or extensions of time are believed to be due in connection with this response; however, consider this a request for any fee or extension inadvertently omitted, and charge any additional fees to Deposit Account 50-2098.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'T. Zarley', with a stylized flourish at the end.

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